

REMARKS

In response to the Office action dated October 1, 2009, Applicants' Attorney respectfully requests reconsideration. Prior to entry of this Amendment, claims 1-9 were pending in this Application. Claims 1-9 are amended herein. Support for these amendments may be found throughout the Specification. In this paper, no new matter has been added. For the reasons described below, each of the pending claims, as amended, patently distinguishes over the art of record.

Drawings Objection

The drawings have been objected to under 37 CFR 1.83(a) for allegedly failing to show every feature of the invention specified in the claims. Claims 3-4 are amended herein and Applicants feel that such amendments obviate the objection. Claim 3 has been amended to replace the term "fins" with the term "ribs." Ribs which project from an inner wall are shown in the drawings. For example, Fig. 4 and Fig. 5 cooperatively show ribs that project from an inner wall and bear against an outer wall of the metal sleeve. Claim 4 has been amended to remove the "intermediate ring" language from the claim. Since the amendments to claims 3-4 obviate the objection under 37 CFR 1.83(a), it is requested that such objection be withdrawn.

Claim Objection

The Office Action has stated an objection to claim 5 due to the listed informalities. Appropriate amendment of claim 5 to incorporate a proper dependency is included herewith. As such it is requested that the objection to claim 5 be withdrawn.

35 U.S.C. §112 Rejection

Claim 3 has been rejected under 35 U.S.C. §112, second paragraph, as being indefinite for allegedly failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. Claim 3 has been amended to replace the term "fins" with the term "ribs." Ribs which project from an inner wall are shown in the drawings and described in the written description. For example, Fig. 4 and Fig. 5 cooperatively show ribs that project from an inner wall and bear against an outer wall of the metal sleeve. Moreover, for example, page 7 lines 19-21, page 3 lines 28-32, and page 4 lines 1-5 describe ribs that project from an inner wall

and bear against an outer wall of the metal sleeve. Since the amendment to Claim 3 obviates the rejection under 35 U.S.C. §112, second paragraph, it is requested that such rejection be removed.

35 U.S.C. §102 Rejections

Claims 1, 2, 8 and 9 have been rejected under 35 U.S.C. §102(b) as being anticipated by *Helbig et al.* (U.S. Patent No. 5,957,569). Such rejection is respectfully traversed herein.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” M.P.E.P. § 2131.

“Every element of the claimed invention must be literally present, arranged as in the claim.”

Richardson v. Suzuki Motor Co. Ltd., 868 F.2d 1226, 1236 (Fed. Cir. 1989). The claims must not be treated as “mere catalogs of separate parts, in disregard of the part-to-part relationships set forth in the claims and that give the claims their meaning.” *Lindemann Maschinenfabrik GMBH v. American Hoist and Derrick Company et al.*, 730 F.2d 1452, 1459 (Fed. Cir. 1984). As a result, a reference that coincidentally lists features of a claim without describing the claimed arrangement, relationship, and organization of such features cannot anticipate.

Applicants’ Attorney respectfully submits that *Helbig et al.* fails to anticipate at least the “a flange arranged at the metal sleeve, wherein the flange rests on protrusions which project upwardly from an upper edge of the receiving section” feature of the claim. The Office Action contends that the reference lugs 14a of *Helbig et al.* constitute protrusions that project from the upper edge of a receiving section. Office Action, p. 4. The cited reference lugs 14a of *Helbig et al.* actually form the upper edge of the plastic base 14 (*see e.g.* Fig. 1 and col.4 lines 6-7) and can therefore not simultaneously be protrusions that project from the upper edge of the base. As a result, *Helbig et al.* fails to either expressly or inherently describe protrusions that **project** from an **upper edge** of a receiving section.

This failure of *Helbig et al.* to either expressly or inherently describe the part-to-part relationship between the flange arranged at the metal sleeve of claim 1 and the protrusions that project from an upper edge of the receiving section of claim 1 prevents the reference from anticipating claim 1. Additionally, applicants’ Attorney has amended claim 1 to farther highlight this lack of teaching of *Helbig et al.*. In particular, claim 1 has been amended to clarify that the protrusions project upwardly from the upper edge of the receiving section and are distinguishable from the upper edge of the receiving section in that they are actually interposed between the

receiving section and the flange. For at least the reasons set forth herein, the Applicants respectfully submit that the cited reference fails to anticipate independent claim 1 and claims 2-8 that depend therefrom. Thus, the Applicants' Attorney respectfully request that this rejection be withdrawn.

With respect to dependent claim 2, Applicants' Attorney respectfully submits that *Helbig et al.* does not anticipate the claim and that a 35 U.S.C. §102(b) rejection is improper. The Office Action cites to Fig. 6 of *Helbig et al.* as an alleged teaching of a base of a metal sleeve that bears against a bottom face of the receiving section. Fig. 6 of *Helbig et al.* depicts an embodiment of an electric lamp that is distinct in numerous aspects from the Fig. 1 embodiment of *Helbig et al.* for which the Office Action contends teaches the features of claim 1. For example, the embodiment of Fig. 1 teaches that the support sleeve 13 is anchored in the plastic base part 14 (*see e.g.* Fig. 1 and col. 3 lines 56-60). Moreover, for example, the embodiment of Fig. 1 teaches that the plastic base part 14 has three integrally formed reference lugs 14a. (*see e.g.* Fig. 1 and col. 3 lines 63-65). Conversely, for example, the embodiment of Fig. 6 does not have a plastic base part that has reference lugs or that anchors the support sleeve. Substantial modification of the embodiment of Fig. 1 would be required in attempting to implement the alleged teachings of the embodiment of Fig. 6, thereby causing the part-to-part relationship of various elements of Fig. 1 and Fig. 6 cited in the Office Action to be altered. As a result, *Helbig et al.* fails to teach the specific arrangement, relationship, and organization of the features of claim 2 and cannot anticipate claim 2. Accordingly, the Applicants' Attorney respectfully request that this rejection be withdrawn.

35 U.S.C. §103 Rejections

Pending claims 4-7 currently stand rejected under 35 U.S.C. § 103(a). Office Action, pp. 5-7. In order to render a claim obvious, a combination of references must teach or suggest each and every claim limitation. The Applicant respectfully submits that, as discussed in additional detail herein, the cited references, alone or combined, fail to render the present invention obvious.

Claim 4 has been rejected under 35 U.S.C. §103(a) as being unpatentable over *Helbig et al.*, further in view of *Flammer* (U.S. Patent No. 5,921,663). Office Action, p. 5. Applicants' Attorney respectfully traverses this ground of rejection.

The Office Action contends that the cover tabs 13b of *Helbig et al.* constitute a flange and that the welding tabs 13a of *Helbig et al.* constitute contact regions of the cover tabs 13b. However, the welding tabs 13a of *Helbig et al.* are on a completely separate and distinct part of support sleeve 13 than what the Office Action contends is the flange (cover tabs 13b). As a result, the welding tabs 13a cannot constitute contact regions **of the** cover tabs 13b. Moreover, *Helbig et al.* fails in any teaching of cams that project from the **upper surface** of a flange. The welding tabs 13a of *Helbig et al.* are inwardly facing and project from an **inner surface** of the support sleeve 13.

Flammer does not teach or suggest the deficiencies of *Helbig et al.* *Flammer* fails in any teaching of cams that project from the **upper surface** of a flange. The cams or toes 15 of *Flammer* are inwardly facing and project from an **inner surface** of the outer edge 14. Moreover, the flange portions 12 of *Flammer* cited by the Office Action are actually flange portions of the bulb cover 1 and not a flange portion of a lamp socket for lamps. Accordingly, for at least the reasons discussed herein, Applicant's Attorney respectfully requests this rejection be withdrawn.

Claim 5 has been rejected under 35 U.S.C. §103(a) as being unpatentable over *Helbig et al.*, further in view of *Braun et al.* (U.S. Patent No. 4,751,421). Office Action, p. 6. Applicants' Attorney respectfully traverses this ground of rejection.

Modification of *Helbig et al.* as suggested by the Office Action would not teach all the features of claim 5. The Office Action contends that the welding tabs 13a of *Helbig et al.* constitute contact regions and that in light of *Braun* cut-out/holes may be included in the welding tabs of *Helbig et al.*. Office Action, p. 6. However, claim 5 does not recite that the **contact regions** have cut-outs, but, rather, that the upper edge of the **receiving section** has cut-outs. Thus, the Office Action has failed to clearly articulate why the **claimed invention** would have been obvious as required by MPEP § 706.02(j). Applicant's Attorney also notes that the welding tabs 13a of *Helbig et al.* are not proximal an upper edge of a receiving section.

In addition, *Braun* fails in any teaching of a hole provided in the region of a contact region of a metal sleeve. *Braun* teaches that holes 11 may be provided through a securing element 2 so that some of the heat that has been transferred to the securing element 2 from the lamp is prevented from reaching the base structure 3. The holes 11 are provided through structure that is distinct from and non-proximal to structure that is proximal to the lamp when the lamp is connected. As a result, the holes 11 of *Braun* cannot reasonably be construed as being in

the region of a contact region of a metal sleeve. The holes 11 of *Braun* are positioned such that they attempt to dissipate heat that has already been transferred to a structure, whereas the cut-outs of claim 5 are positioned so as to minimize heat transfer between two adjacent structures. Thus, *Braun* fails in any teaching of a hole provided in the region of a contact region of a metal sleeve. Accordingly, for at least the reasons discussed herein, Applicant's Attorney respectfully requests this rejection be withdrawn.

Claims 6 and 7 have been rejected under 35 U.S.C. §103(a) as being unpatentable over *Helbig et al.*, further in view of *Suster et al.* (U.S. Patent No. 4,990,820). Office Action, p. 6. Applicants' Attorney respectfully traverses this ground of rejection.

With respect to claim 6, *Helbig et al.* and *Suster et al.* fail in any teaching of pins which **project from** the bottom face of the receiving section. The bent metal tabs 32 and rivets 34 of *Suster et al.* extend **through** a cylindrical housing 22 of the socket 20. Moreover, the Office Action's suggestion that it would have been obvious to include riveted pins which project from the bottom face of the receiving section through corresponding openings in the base of the metal sleeve for securing the metal sleeve to the receiving section is insufficient to establish a *prima facie* case of obviousness since it provides no reasoning why one of ordinary skill in the art would **combine** the teachings of the references. *See e.g.* MPEP § 2143.01 IV; *Ex parte Levengood*, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993). One of ordinary skill in the art would not have combined the teachings of *Helbig et al.* and *Suster et al.* for securing the metal sleeve to the receiving section, since *Helbig et al.* already taught sufficient means for securing the metal sleeve to the receiving section. Moreover, in the embodiment of Fig. 1 of *Helbig et al.* the support sleeve 13 is anchored in the plastic base part 14 and would therefore be incapable of being fixed by means of pins that project from a bottom face of the plastic base part.

The Office Action's combination of references fail in any teaching of pins which **project from** the bottom face of the receiving section. Moreover, the Examiner's stated reasoning for combining the cited references is illogical in light of the teachings of the references and does not constitute an objective reason for combining the teachings of the references. As a result, a *prima facie* case of obviousness has not been established. Accordingly, for at least the reasons discussed herein, the Applicants' Attorney respectfully requests this rejection be withdrawn.

With respect to claim 7, the Office Action has failed to cite **any** reasoning for combining the cited references and has not set forth the proposed modification of the *Suster et al.* and

Helbig et al. that are necessary to arrive at the claimed subject matter. As a result, a *prima facie* case of obviousness has not been established. Additionally, Applicants' Attorney has amended claim 7 to more clearly delineate the features of claim 7. Accordingly, for at least the reasons discussed herein, Applicant's Attorney respectfully requests this rejection be withdrawn.

CONCLUSION

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes that the application is not in condition for allowance, the Examiner is requested to call the Applicants' representative at the telephone number indicated below to discuss any outstanding issues relating to the allowability of the application.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is an additional fee occasioned by this response, please charge any deficiency to Deposit Account No. 141270.

Respectfully submitted,

Date: December 23, 2009

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